IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 3846 of 2006(G)

PETITIONER:

SINIL V.S., FORESTER TRAINEE,
KERALA FOREST SCHOOL, VAZHAYIL HOUSE,
MELUKAVUMATTOM,ARIPPU,KOZHIKODE P.O.,
KOTTAYAM DISTRICT - 686 652.

BY ADV. SRI.B.GOPAKUMAR,
SMT.CHINCY GOPAKUMAR,
SRI.ASWIN GOPAKUMAR,
SRI.ANWIN GOPAKUMAR.

RESPONDENTS:
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1. **KERALA PUBLIC SERVICE COMMISSION,**
   REPRESENTED BY ITS SECRETARY, PATTOM,
   THIRUVANANTHAPURAM.

2. **UNION OF INDIA, REPRESENTED BY THE**
   DIRECTOR OF FOREST EDUCATION,
   GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT
   AND FOREST,NEW DELHI.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
SRI.D.PREM KAMATH, CGC
SRI.T.SANJAY, CGC
SRI.V.A.MUHAMMED,SC,M.G.UNIVERSITY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007,ALONG WITH W.P.(C). NO. 6707/2006,THE COURT ON 14/06/2007 DELIVERED THE FOLLOWING:

W.P.(C). NO.3846/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTIFICATION FOR GENERAL RECRUIT NO. R & A II (3)-46661/2005/GW. DT. 02/11/2005 BY R.1.

EXT.P.2: COPY OF THE APPLICATION FORM (CMR DATA SHEET) BY PETITIONER.

EXT.P.3: COPIES OF CERTIFICATES IN RESPECT OF THE PETITIONER.

EXT.P.4: COPY OF THE LETTER NO. GRIC (1)43945/05/GW DT. 06/01/06 BY R.1.

EXT.P.5: COPY OF THE JUDGMENT IN W.P.(C). 1148/2006 DT. 25/01/2006 BY THIS HONOURABLE COURT.

EXT.P.6: COPY OF THE NOTIFICATION NO. S/L. NO. 12/2006 ER/1. THIRUVANANTHAPURAM NO. 217/2005 DT. 10/02/06.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR,J.

WP(C)NOS.3846 & 6707 OF 2006

Dated this the 14th June, 2007.

Judgment

Writ Petition(C) No.6707/06

The petitioner is working as a Forester in the Department of Forests in Kerala. The 1st respondent, Public Service Commission, invited applications for selection to undergo Forest Rangers course in Forestry for the year 2006-07 in various State Forest Service Colleges under the Directorate of Forest Education, Dehradun. Ext.P1 is the notification issued by the Public Service Commission. The qualifications prescribed as per the Kerala Forest Subordinate Service Rules were incorporated in the said notification. Candidates possessing Bachelors Degree in Science or Engineering of any recognised University, with at least one of the following subjects, "Agriculture, Botany, Chemistry, Computer Applications/Computer Science, Engineering (Agriculture / Chemical / Civil / Computer / Electrical / Electronics / Mechanical), Environmental Science, Forestry, Geology, Horticulture, Mathematics, Physics, Statistics, Veterinary Science, Zoology," were eligible to apply. There are other qualifications also. The dispute raised in this Writ Petition is concerning the aforementioned basic educational qualification. The petitioner is possessing the Degree of Master of Management Science, issued by the Faculty of Science of Mahatma Gandhi University. Ext.P3 series are the degree certificate and the mark lists of various semesters. Those mark lists would show that Basic Mathematics, Computer

Applications etc. are part of the curriculum. The mark lists of the first and second semesters describe the course as PG Diploma in Mathematics, Management and Computer Applications. But, the mark lists of other semesters mention the course as Master of Management Science. May be, the University has renamed the course. The petitioner submits, he is a Post Graduate in Management Science. He had Computer Applications as one of the subjects for the first, second and third semesters. Therefore, it must be presumed that he has graduation in Science, with Computer Applications as one of the subjects. So, by virtue of Rule 10(a)(ii) of the Kerala State and Subordinate Services Rules , as interpreted by the Apex Court in ***Jyoti v. Kerala Public Service Commission*** (JT 2002 Suppl.(1) SC 85), the petitioner should be treated as qualified. But, Ext.P2 application submitted by the petitioner has been rejected by the Public Service Commission, by Ext.P4, stating that he is not qualified for the post. Ext.P6 is the shortlist published by the Public Service Commission on 10.02.2006, pursuant to Ext.P1 notification. Ext.P6(a) is the final rank list. The petitioner submits, several unqualified persons are included in the said rank list. But, the petitioner's application has been rejected on totally erroneous grounds. Therefore, this Writ Petition is filed, seeking appropriate reliefs.

2. The Government have filed counter affidavit in this Writ Petition, resisting the prayers in the Writ Petition. The Public Service Commission has filed counter affidavit in Writ Petition (C) No.3846/06, which is the connected case filed by the petitioner. The petitioner has filed IA No.2577/07, producing Exts.P13 to P15. Ext.P13 is the certificate

issued by the Registrar of Mahatma Gandhi University, certifying that the Master of Management Science Degree course is a Post Graduate Degree course under the Faculty of Science, with Computer Applications as one of the Elective subjects. Ext.P14 is the eligibility certificate issued by the Mahatma Gandhi University, stating that the petitioner's degree is sufficient qualification for doing M. Phil. in Future studies under the Faculty of Applied Science of the University. Ext.P15 is a letter addressed by the Government to the Registrar of the Mahatma Gandhi University, concerning recognition of the degrees generally. The petitioner would submit that he should be treated as a person having a degree in Science, with Computer Applications as one of the subjects, and therefore, eligible to apply for the course. So, the rejection of his application is illegal and the same is liable to be interfered with. Other consequential reliefs are also sought, based on the said submission. The learned Standing Counsel for the Public Service Commission, on the other hand, raised various technical contentions, against the grant of reliefs in the Writ Petition. Apart from that, regarding the merits of the claim of the petitioner, it was submitted that the petitioner's degree cannot be treated as a degree in Science. It is a degree in Humanities and, therefore, even if the petitioner has studied Computer Applications as one of the subjects, he is ineligible, it is submitted.

3. I think, before going into the various contentions raised by the parties, this Court should decide whether the petitioner can be treated as a graduate in Science, with

Computer Applications as one of the subjects. If the answer is in the negative, it is unnecessary to go into the other questions.

4. Normally, in common parlance, when we speak of science, we mean physical science or natural science. Generally, science is considered as “knowledge about the structure and behaviour of the natural and physical world, based on facts, which could be proved; e.g., by experiment.” Technically, science is “the knowledge, methodically digested and arranged, so as to be attainable by one, a body of principles, and judgments to explain the nature of some matter.” In the broader sense, we speak of domestic science, earth science, natural science, political science, social science, etc.

5. Going by the qualifications prescribed, I am of the view that the candidate must be a graduate in natural science or physical science and not in any social science. The petitioner's qualification is Master's Degree in Management Science. Such a person can be supposed to have the qualification of Bachelor's Degree in Management Science also. Computer Science may be a subject for the petitioner's post-graduate course. These days, computer science is part of the syllabi of almost all courses. But, the inclusion of that subject will not make a degree in social science a degree in science, as understood in common parlance. Therefore, I am of the view that management science can never be treated as a science subject, for the purpose of the Special Rules for the Kerala Forest Subordinate Service. A post Graduate in management science cannot be treated as a graduate in science with the subject of Computer Science. The view taken by the Public

Service Commission in this regard is certainly a plausible view, with which this Court cannot interfere under Article 226 of the Constitution of India.

Writ Petition(C) No.3846/06

The question that arises for consideration in this case is also whether Master's Degree in Management Science could be treated as a degree in science. So, the decision in Writ Petition(C) No.6707/06 will govern this case also.

In view of the above position, I feel that it is not necessary to go into the various other contentions raised by both sides. Accordingly, these writ petitions are dismissed.

K. BALAKRISHNAN NAIR, JUDGE

sta/vav